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POWER OF THE STATE

by

ARTHUR J. WESTERMAYR, LL. M.

(Member of New York Bar)

and

COLONEL JASPER EWING BRADY

(Late U. S. Army)

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Authors of "IT IS THE LAW."

THE CAST.

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POWER OF THE STATE.

AN AMERICAN DRAMA

by

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(MEMBER N. Y. BAR.)

and

COL. JASPER EWING BRADY

(LATE U. S. ARMY.)

EXPLANATORY NOTE: *Harriet and Melvin Malcolm are half brother and sister. A rich aunt of their mother adopted Harriet in babyhood and brought her up in society. Melvin, the child of the first marriage, by three years Harriet's senior, was not favored by the aunt and works his way in the world without any of the favoring circumstances which make Harriet's life easy and pleasant.*

Her life of indolence and self-indulgence has made her selfish, flippant, self-willed; while in him the hard experiences of life have developed all the fine and sturdy qualities of a sterling manhood. Thus, each represents a type; each has inherited the good qualities of their common mother, and each in turn is the product of environment.

Harriet at the age of sixteen had an "affair" which resulted in the birth of a boy. To save his sister from disgrace, Melvin adopts the baby and brings it up as a member of his own family which then consists of his wife and a boy of about the other's age.

The rich aunt's disapproval of the first marriage of her niece (Mrs. Malcolm, Sr.), and her resentment went over to the offspring (Melvin). So deep was her feeling against the child that when Harriet was taken into the aunt's family it was with the understanding Harriet must disown her brother. Harriet obeyed this injunction to the letter until she had need of him in her trouble.]

THE STORY.

Harriet has married in her own circle and finds in her husband Horace Lynbrook all that marriage can be in such circumstances. He is a lawyer of note, at present Public Prosecutor, of distinguished appearance, manly and socially popular. Mrs. Lynbrook, by reason of her husband's means and social position and her own beauty and charm of manner, is a leader in the smart set.

Their daughter Grace, a pretty, young creature of fourteen, is her father's one great passion.

To the outer world they appeared an ideal family; within discord knawed. Lynbrook, naturally domineering, became jealous of his beautiful wife, and from this and her frivolous mode of life many disputes arose. Matters in time culminated in a break which only the child Grace was able to prevent becoming public property. For her sake they kept their infelicity to themselves and worried along each knowing their course must eventuate in ruin.

Harriet has been receiving enquiring letters from her illegitimate son Roger, then around sixteen years old, asking for information about his birth. While he knew nothing more than his

adoption, rumor had hinted that she knew something of his past and hence the demand for information. These letters were allowed to remain unanswered. Many times Roger during his vacation at home, asked Melvin about his birth, his father and mother, but was given evasive answers which only irritated the sensitive, high-strung boy and made him the more determined to learn the truth.

One night Harriet having received a threatening letter from Roger, telephones her brother, tells him of the letter, its insistent tone, and begs him to come to her at once. He remonstrates against this by calling attention to the lateness of the hour. She persists, however, and he agrees to come to her. Roger has overheard enough of the conversation to make him decide to follow his foster-father.

Lynbrook happening to enter the room while Harriet is at the telephone, learns of the appointment, hears the words of endearment and entreaty and is convinced his wife is faithless. Her confusion when he comes upon her suddenly is to him further proof of guilt. When asked is she going out she replies "yes." This he knows is a lie for he has just heard her make the appointment with Melvin. He in order to deceive her says he must attend a conference. Neither goes out. He hides in an adjoining room, she returns to the drawing room a few moments later to receive her brother.

While Melvin and Harriet are planning how to prevent the scandal from becoming known, Roger appears and demands an explanation. When the truth is revealed to him his anger rises to emotional madness. His mother who has not seen him since birth, finds her heart stirred with maternal yearnings and begs his forgiveness. Her

obvious suffering touches his pity and he relents, forgiveness follows, and in a paroxysm of anguish, the wretched boy rushes from the house. Shortly after Melvin leaves, having pledged himself to protect his sister's secret.

A moment later a loud report preceded by the honk of an automobile is heard. The butler who has just returned from showing Melvin to the door, when asked about the report says it was probably a "blowout," and being dismissed, retires.

Immediately afterward voices are heard in the corridor by which it appears the report was a pistol shot, young Roger has been found on the sidewalk in front of the house dead of a shot wound, and Melvin is being taken by the officers to Harriet for identification.

Just as the officer is about to enter, and Harriet in the spell of horror is standing at the door, Lynbrook opens the door opposite, calls her name when with a shriek she all but collapses. Taking in the situation but failing in a correct interpretation of it because he knows nothing of the identity of Melvin, he then and there determines to avenge his imaginary wrong and tells Harriet he will convict the man.

Lynbrook prosecutes Melvin for homicide. The evidence is quite convincing. It consists of incriminating letters found on Roger and Melvin from which a motive is spelled out as follows: A scandal is to be hushed up, Roger threatens to expose it; the suffering of the unknown mother is pictured by Melvin, and in one letter he says "any one who would cruelly bring such misery upon his own mother deserves to be shot." Melvin was found running from the corpse; the supposed murder was committed with his own pistol which

he always carried on his person; the boy had no known enemies, and his money and jewelry were found untouched. The defense is suicide but it fails because Melvin will not tell where he was just before the fatal shot was fired. Lynbrook has employed his splendid talents to their utmost and convicts Melvin who is sentenced to die in the electric chair on the day set by the judge. Appeals having failed, Crawford, his attorney, makes a final effort to save his client's life by commutation of the sentence to life imprisonment.

Lynbrook, his vengeance appeased by the conviction of his rival, joins Crawford in the application for Executive action.

On the day set for the execution Mrs. Malcolm, her son Lamont, Harriet and Grace are assembled awaiting the fatal hour when the victim of the Power of the State will expiate a crime he never committed. Crawford has discussed the trial and the evidence on which the conviction was obtained, and later tells of his efforts to save Melvin. No word from the Governor has been received. As the time approaches Lamont unable to stand the fearful strain any longer, rushes from the room to find solace in the street. The clock strikes the hour and the unhappy wife sinks into Harriet's arms. Suddenly Lamont bursts into the room carrying an afternoon paper in his hand. He announces jubilantly the Governor has saved Melvin's life by commuting the sentence to life-imprisonment. Mrs. Malcolm is overcome by her conflicting emotions. Crawford snatches the paper from the boy's hand and learns from the headlines that the current had been shut off just in time to save the prisoner's life. Melvin ac-

according to the report was in a precarious condition.

Mrs. Malcolm, now in want is offered a home for herself and Lamont with Mrs. Lynbrook. From this the love affair between Grace and Lamont grows.

Thus is the first stage of the power of the state exemplified.

Crawford now sets himself the task of freeing his friend from the clutches of the law. He knows Melvin is innocent and yet is forced to admit to himself as a lawyer of experience, the circumstantial evidence was more than sufficient to warrant the conviction.

Five years have elapsed and Melvin is doing a life term in State Prison. The law has put the felon's brand upon him; it has removed him from the society of decent people; it has taken from him his liberty, and he must count himself fortunate the state spared his life.

Grace and Lamont have grown to young man and womanhood. They have fallen in love with each other. Harriet is happy in this arrangement; Lynbrook as yet knows nothing about it, does not even know of Lamont. Harriet warns the young lovers of the hopelessness of their passion for she well knows Lynbrook would never permit the marriage once he knows Lamont is the son of Melvin.

Lynbrook from the beginning has, as Public Prosecutor, opposed by every influence he could command, the passage of a proposed bill to compensate innocent persons wrongfully convicted of crime.

The lovers must abide their time while Harriet is watching for an opportunity to serve them.

In the meantime Crawford continues his seemingly hopeless efforts in his friend's behalf. One day Mrs. Malcolm while hunting for something comes upon Roger's diary written day by day, in which the tortured boy set forth his anguish over the cloud upon his birth—the bar sinister. On the date of the supposed murder was an entry “if I find out that I am illegitimate I will kill myself.” Then in a shaky scrawl the final tragic thought is recorded: “I half suspect my foster-father is my real father. I will follow him to-night to that woman's house and if I learn what I now suspect, my father's pistol shall put an end to it all.”

Crawford next interviews Hershey, the Lynbrook butler, who refuses to say anything. Crawford suspects he is hiding something important. He plays on his feelings by describing the innocent man's suffering. Finally Hershey admits he knows something he always wanted to tell but was prevented from doing so by Lynbrook, who, having the man under a suspended sentence for an old offence, was able to secure his silence by threat of arrest and imprisonment. Crawford finds there is no merit in Lynbrook's pretended power and Hershey being assured no harm can come to him, tells of Melvin's presence in the vestibule when the shot was fired outside. “In fact,” he added, “I was just saying when we heard the report, how much a ‘blow out’ sounds like a pistol shot.”

Lamont, unwilling to defer his hopes any longer decides to ask Lynbrook for Grace's hand in marriage. A stormy scene follows when Lamont acknowledges his father. Lynbrook orders Lamont from the house. Grace, now a

spirited young woman who possesses some of her father's own force of character, tells her father if Lamont leaves she will leave with him. Lynbrook remonstrates, threatens to disinherit her if she persists in her disobedience. Finding this threat also unavailing, he launches a tirade of abuse at the absent father, and in a burst of rage accuses Melvin of ruining his home. Harriet comes forward and defends her present honor by acknowledging Roger as her illegitimate son and proclaiming Melvin her brother. Lynbrook is overcome by this revelation, for thus he learns he has ruined the life of a man who was not only innocent of the crime charged, but also guiltless of the other wrong.

Lynbrook has been elected Governor of the State.

Crawford is about ready to make his final appeal for Melvin. Having in his possession enough evidence to accomplish the downfall of the proud Governor, he determines on a course of retribution. Harriet learns of this and by the co-operation of Mrs. Malcolm, and to save Grace and Lamont from humiliation, Crawford consents to change his plans of vengeance. He confronts Lynbrook with the proof of his guilt in suppressing evidence to gratify a personal spite. Cornered and unable to escape, Lynbrook admits his fault and cooperates with Crawford in securing Melvin's freedom. Lynbrook is forced to sign Malcolm's pardon, which is his first official act and by the second his signature to the Compensation Bill makes it the law of the State. Then he is compelled to resign and retire to private life, while the young people, the father's opposition being now removed, are happily united.

Melvin, after five years of penal servitude is restored to his family. He is broken in health, his business is gone, his hopes are shattered, and the memory of his terrible experience in the electric chair must ever abide as a reminder of the Power of the State.

The State by its corrupt and wicked servant has perpetrated a great wrong. But for this wrong committed by the State in the exercise of its sovereign powers, it makes no amends.

(The End.)

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